

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

STACY HINNERS, <i>et al.</i> ,	)	CASE NO. 1:19-cv-2868
	)	
Plaintiffs,	)	JUDGE J. PHILIP CALABRESE
	)	
vs.	)	Magistrate Judge Thomas M. Parker
	)	
MICHAEL J. O'SHSEA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

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**DEFENDANT'S RESPONSE TO SHOW CAUSE ORDER**

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Mr. Koehler made a mistake. His absence from the case management conference, as he recognizes, is unacceptable. He asks this Court to accept his apology. In order to fully inform the Court of Mr. Koehler's circumstances leading up to his absence, counsel offers the following explanation, but not excuses:

**I. Mr. Koehler's absence from the August 17, 2023 hearing was not fully explained.**

On July 19, 2023, this Court set a case management conference for August 17, 2023. All parties, including Mr. Koehler were required to appear in-person. Unfortunately, Mr. Koehler would be unavailable as he was scheduled to be in South Carolina on a family vacation.

On behalf of Mr. Koehler, Mr. Downey filed a Motion to Continue requesting a new date for the case management conference *or* to allow Mr. Koehler to appear remotely. (ECF No. 109). The Motion to Continue only stated that Mr. Koehler was out-of-town. *Id.* And based on a

conversation with the Court at the September 14<sup>th</sup> status conference, this Court was seemingly under the impression that Mr. Koehler lived out of state and simply refused to come to the conference.

But this is untrue. Mr. Koehler's absence from the August 17<sup>th</sup> conference was not a product of hesitance to participate in the proceedings or unwillingness to commute from a neighboring state. Instead, Mr. Koehler, who lives on a police officer salary, had already made arraignments to take his wife and three kids on an end-of-summer vacation. At the time the date was set for the case management conference, Mr. Koehler's family vacation was already paid for—and could not be refunded.

Mr. Koehler has attached an accompanying affidavit to this Response expressing his remorse.

Respectfully submitted,

/s/ Austin Richards

Patrick Kasson (0055570)

Austin M. Richards (0101316)

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*Counsel for Kevin Koehler*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served via electronic mail, this 9<sup>th</sup> day of October, 2023 to the following:

/s/ Austin M. Richards

Patrick Kasson (0055570)

Austin M. Richards (0101316)